

# House File 2391 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 616)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for the establishment of a commission on Native  
2 American affairs within the department of human rights.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5717HV 82  
5 ec/nh/5

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1 1 Section 1. Section 7E.5, subsection 1, paragraph s, Code  
1 2 2007, is amended to read as follows:  
1 3 s. The department of human rights, created in section  
1 4 216A.1, which has primary responsibility for services relating  
1 5 to Latino persons, women, persons with disabilities, community  
1 6 action agencies, criminal and juvenile justice planning, the  
1 7 status of African-Americans, and deaf and hard-of-hearing  
1 8 persons, and Native-Americans.  
1 9 Sec. 2. Section 216A.1, Code 2007, is amended by adding  
1 10 the following new subsection:  
1 11 NEW SUBSECTION. 9. Division on Native American affairs.  
1 12 Sec. 3. NEW SECTION. 216A.161 DEFINITIONS.  
1 13 For purposes of this subchapter, unless the context  
1 14 otherwise requires:  
1 15 1. "Administrator" means the administrator of the division  
1 16 on Native American affairs.  
1 17 2. "Commission" means the commission on Native American  
1 18 affairs.  
1 19 3. "Division" means the division on Native American  
1 20 affairs of the department of human rights.  
1 21 4. "Tribal government" means the governing body of a  
1 22 federally recognized Indian tribe.  
1 23 Sec. 4. NEW SECTION. 216A.162 ESTABLISHMENT == PURPOSE.  
1 24 1. A commission on Native American affairs is established  
1 25 consisting of eleven voting members appointed by the governor,  
1 26 subject to confirmation by the senate. The members of the  
1 27 commission shall appoint one of the members to serve as  
1 28 chairperson of the commission.  
1 29 2. The purpose of the commission shall be to work in  
1 30 concert with tribal governments, Native American groups, and  
1 31 Native American persons in this state to advance the interests  
1 32 of tribal governments and Native American persons in the areas  
1 33 of human rights, access to justice, economic equality, and the  
1 34 elimination of discrimination.  
1 35 3. The members of the commission shall be as follows:  
2 1 a. Seven public members appointed in compliance with  
2 2 sections 69.16 and 69.16A who shall be appointed with  
2 3 consideration given to the geographic residence of the member  
2 4 and the population density of Native Americans within the  
2 5 vicinity of the geographic residence of a member. Of the  
2 6 seven public members appointed, at least one shall be a Native  
2 7 American who is an enrolled tribal member living on a tribal  
2 8 settlement or reservation in Iowa and whose tribal government  
2 9 is located in Iowa and one shall be a Native American who is  
2 10 primarily descended from a tribe other than those specified in  
2 11 paragraph "b".  
2 12 b. Four members selected by and representing each of the  
2 13 following tribal governments:  
2 14 (1) Sac and Fox tribe of the Mississippi in Iowa.  
2 15 (2) Omaha tribe of Nebraska.  
2 16 (3) Winnebago tribe of Nebraska.  
2 17 (4) Ponca tribe of Nebraska.  
2 18 c. All members of the commission shall be residents of  
2 19 Iowa.

2 20 Sec. 5. NEW SECTION. 216A.163 TERM OF OFFICE.

2 21 Five of the members appointed to the initial commission  
2 22 shall be designated by the governor to serve two-year terms,  
2 23 and six shall be designated by the governor to serve four-year  
2 24 terms. Succeeding appointments shall be for a term of four  
2 25 years. Vacancies in the membership shall be filled for the  
2 26 remainder of the term of the original appointment.

2 27 Sec. 6. NEW SECTION. 216A.164 MEETINGS OF THE  
2 28 COMMISSION.

2 29 The commission shall meet at least four times each year,  
2 30 and shall hold special meetings on the call of the  
2 31 chairperson. The commission shall adopt rules pursuant to  
2 32 chapter 17A as it deems necessary for the conduct of its  
2 33 business. The members of the commission shall be reimbursed  
2 34 for actual expenses while engaged in their official duties. A  
2 35 member may also be eligible to receive compensation as  
3 1 provided in section 7E.6.

3 2 Sec. 7. NEW SECTION. 216A.165 DUTIES.

3 3 The commission shall have all powers necessary to carry out  
3 4 the functions and duties specified in this subchapter and  
3 5 shall do all of the following:

3 6 1. Advise the governor and the general assembly on issues  
3 7 confronting tribal governments and Native American persons in  
3 8 this state.

3 9 2. Promote legislation beneficial to tribal governments  
3 10 and Native American persons in this state.

3 11 3. Recommend to the governor and the general assembly any  
3 12 revisions in the state's affirmative action program and other  
3 13 steps necessary to eliminate discrimination against and the  
3 14 underutilization of Native American persons in the state's  
3 15 workforce.

3 16 4. Serve as a conduit to state government for Native  
3 17 American persons in this state.

3 18 5. Serve as an advocate for Native American persons and a  
3 19 referral agency to assist Native American persons in securing  
3 20 access to justice and state agencies and programs.

3 21 6. Serve as a liaison with federal, state, and local  
3 22 governmental units, and private organizations on matters  
3 23 relating to Native American persons in this state.

3 24 7. Conduct studies, make recommendations, and implement  
3 25 programs designed to solve the problems of Native American  
3 26 persons in this state in the areas of human rights, housing,  
3 27 education, welfare, employment, health care, access to  
3 28 justice, and any other related problems.

3 29 8. Publicize the accomplishments of Native American  
3 30 persons and their contributions to this state.

3 31 9. Work with other state, tribal, and federal agencies and  
3 32 organizations to develop small business opportunities and  
3 33 promote economic development for Native American persons.

3 34 Sec. 8. NEW SECTION. 216A.166 REVIEW OF GRANT  
3 35 APPLICATIONS AND BUDGET REQUESTS.

4 1 Before the submission of an application, a state department  
4 2 or agency shall consult with the commission concerning an  
4 3 application for federal funding that will have its primary  
4 4 effect on tribal governments or Native American persons. The  
4 5 commission shall advise the governor, the director of the  
4 6 department of human rights, and the director of revenue  
4 7 concerning any state agency budget request that will have its  
4 8 primary effect on tribal governments or Native American  
4 9 persons.

4 10 Sec. 9. NEW SECTION. 216A.167 ADDITIONAL DUTIES AND  
4 11 AUTHORITY == LIMITATIONS.

4 12 1. The commission shall have responsibility for the budget  
4 13 of the commission and the division and shall submit the budget  
4 14 to the director of the department of human rights as provided  
4 15 in section 216A.2, subsection 2.

4 16 2. The commission may do any of the following:

4 17 a. Enter into contracts, within the limit of funds made  
4 18 available, with individuals, organizations, and institutions  
4 19 for services.

4 20 b. Accept gifts, grants, devises, or bequests of real or  
4 21 personal property from the federal government or any other  
4 22 source for the use and purposes of the commission.

4 23 3. The commission shall not have the authority to do any  
4 24 of the following:

4 25 a. Implement or administer the duties of the state of Iowa  
4 26 under the federal Indian Gaming Regulatory Act, shall not have  
4 27 any authority to recommend, negotiate, administer, or enforce  
4 28 any agreement or compact entered into between the state of  
4 29 Iowa and Indian tribes located in the state pursuant to  
4 30 section 10A.104, and shall not have any authority relative to

4 31 Indian gaming issues.  
4 32 b. Administer the duties of the state under the federal  
4 33 National Historic Preservation Act, the federal Native  
4 34 American Graves Protection and Repatriation Act, and chapter  
4 35 263B. The commission shall also not interfere with the  
5 1 advisory role of a separate Indian advisory council or  
5 2 committee established by the state archeologist by rule for  
5 3 the purpose of consultation on matters related to ancient  
5 4 human skeletal remains and associated artifacts.

5 5 4. This subchapter shall not diminish or inhibit the right  
5 6 of any tribal government to interact directly with the state  
5 7 or any of its departments or agencies for any purpose which a  
5 8 tribal government desires to conduct its business or affairs  
5 9 as a sovereign governmental entity.

5 10 Sec. 10. NEW SECTION. 216A.168 ADMINISTRATOR.  
5 11 The commission shall designate the duties and obligations  
5 12 of the position of administrator. The administrator shall  
5 13 carry out programs and policies as determined by the  
5 14 commission. The administrator may employ other persons  
5 15 necessary to carry out the programs of the division.

5 16 Sec. 11. NEW SECTION. 216A.169 STATE AGENCY ASSISTANCE.  
5 17 On the request of the commission, state departments and  
5 18 agencies may supply the commission with advisory staff  
5 19 services on matters relating to the jurisdiction of the  
5 20 commission. The commission shall cooperate and coordinate its  
5 21 activities with other state agencies to the highest possible  
5 22 degree.

5 23 Sec. 12. NEW SECTION. 216A.170 ANNUAL REPORT.  
5 24 Not later than February 1 of each year, the commission  
5 25 shall file a report in an electronic format with the governor  
5 26 and the general assembly of its activities for the previous  
5 27 calendar year. With the report, the commission may submit any  
5 28 recommendations pertaining to its activities and shall submit  
5 29 recommendations for legislative consideration and other action  
5 30 it deems necessary.

5 31 Sec. 13. COMMISSION ON NATIVE AMERICAN AFFAIRS ==  
5 32 TRANSITION PROVISIONS.

5 33 1. The initial members of the commission established  
5 34 pursuant to this Act shall be appointed by September 1, 2008.

5 35 2. Notwithstanding any provision of this Act to the  
6 1 contrary, an administrator of the division on Native American  
6 2 affairs and employees of the division shall not be appointed  
6 3 or hired prior to July 1, 2009.

6 4 3. Prior to June 1, 2009, the commission shall submit a  
6 5 report to the director of human rights. The report shall  
6 6 include a job description for the administrator of the  
6 7 division, goals for division operations, and performance  
6 8 measures to measure achievement of division goals.

6 9 EXPLANATION

6 10 This bill establishes a division on Native American affairs  
6 11 within the department of human rights. The commission on the  
6 12 Native American affairs is also created.

6 13 The commission consists of 11 members, appointed by the  
6 14 governor and subject to senate confirmation. Of the members,  
6 15 seven shall be public members and at least one of the seven  
6 16 shall be a Native American who is an enrolled tribal member  
6 17 living on a tribal settlement or reservation in Iowa and whose  
6 18 tribal government is located in Iowa and one shall be a Native  
6 19 American descended from a tribe other than those specified in  
6 20 the bill. The other four members shall be from each of the  
6 21 following tribal governments: the Sac and Fox tribe of the  
6 22 Mississippi in Iowa, the Omaha tribe of Nebraska, the  
6 23 Winnebago tribe of Nebraska, and the Ponca tribe of Nebraska.

6 24 Duties of the commission are specified.

6 25 The bill also provides that initial appointment of members  
6 26 to the commission shall be by September 1, 2008, and that  
6 27 division employees and a division administrator shall not be  
6 28 hired or appointed prior to July 1, 2009. By June 1, 2009,  
6 29 the commission shall submit a report to include a job  
6 30 description for the administrator and goals, and applicable  
6 31 performance measures, for the division.

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